REMARKS

Claims 1-43 are currently pending in the subject application, and claims 1-25, 36-40 and 43 are presently under consideration. A version of the claims is found at pages 2-9. Applicants' representative affirms the election of Group I (claims 1-25, 36-40 and 43) with traverse. To this end, claims 26-35 and 41-42 have been withdrawn. However, applicants' representative reserves the right to rejoin these claims at a later date. In addition, claims 3 and 23 has been amended to cure minor informalities. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-5, 7-16, 18-25, 36-40 and 43 Under 35 U.S.C. §103(a)

Claims 1-5, 7-16, 18-25, 36-40 and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wolff (US 6,185,601) in view of Mansour *et al.* (US 2002/0109718 A1). Withdrawal of this rejection is requested for at least the following reasons. Wolff and Mansour *et al.*, neither alone nor in combination, teach or suggest all limitations of the subject claims.

> To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) *must teach or suggest all the claim limitations***. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on the applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (emphasis added).

Independent claims 1, 21 and 36 recite similar limitations, namely ***one or more surrogate providers comprising at least a first surrogate provider that selectively caches at least a subset of data from at least one online server and stores the subset of data at one or more client computers for offline use.*** More particularly, the invention as claimed employs the one or more surrogate providers in order to present the subset of data to the client computers as still being

accessed from the server when the server is in an offline state, thus allowing for a uniform user experience across connectivity states. Wolff and Mansour *et al.* are silent regarding such novel aspects of the claimed invention.

Instead, Wolff relates to a method for load rebalancing of client computer requests in a network environment. Wolff allows for a client computer to request access to a resource from a memory resource associated with one or more server computers. In the event that a first server computer has reached a utilization threshold with respect to resource requests, subsequent requests can be re-directed to a less-utilized server.

On page 4 of the Office Action, the Examiner erroneously asserts that Wolff substantially teaches ***one or more surrogate providers comprising at least a first surrogate provider that selectively caches at least a subset of data from at least one online server and stores the subset of data at one or more client computers*** as claimed. The Examiner references multiple sections of Wolff to support this contention. The reference provides for a client computer to access a memory resource through a server and retrieve data from the memory resource (col. 55, lines 37-54 and Fig. 11A), and allows distributed client computers to work together to manipulate this data (col. 15, lines 49-58). In addition, Wolff discloses storing a copy of records of the configuration database associated with the memory resource relating to the current state of the servers *at the one or more servers* (col. 10, lines 8-19). However, this configuration database data is not stored to the local databases of client computers, thus the server computers fail to take the role of a surrogate provider as provided in the claimed invention. Nowhere in these teachings of Wolff is a surrogate provider disclosed that caches a subset of data from an online server and stores this same subset of data at the client computer as in applicants' invention as recited in the subject claims.

The Examiner concedes that Wolff does not teach all limitations of the subject independent claims, and attempts to compensate for the deficiencies of Wolff by citing to Mansour *et al.* This reference employs a system wherein offline changes made by both a client device and a user interface (UI) server are resynchronized once a network connection is restored and a user of the client device selects an application from the UI server to be executed. Nowhere is any type of intermediary component such as a surrogate provider taught that caches a subset of the data from the UI server and then stores this subset of data at a client computer for offline use. Thus, the utilization of ***one or more surrogate providers*** to facilitate *seamless operation of data*

retrieval across connectivity states as disclosed in the claimed invention is not achieved by Mansour *et al.* Thus, even if the cited references were combined as suggested, applicants' claimed invention would not result.

In view of at least the foregoing, it is readily apparent that both Wolff and Mansour *et al.* fail to teach or suggest all limitations of the claimed invention. Accordingly, it is respectfully requested that this rejection of independent claims 1, 21 and 36, and the claims that depend there from, be withdrawn.

II. Rejection of Claims 6 and 17 Under 35 U.S.C. §103(a)

Claims 6 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wolff, in view of Mansour *et al.* and further in view of Shaw *et al.* (US 2002/0083148 A1). Applicants' representative respectfully requests that this rejection be withdrawn for at least the following reasons. The cited references, either alone or in combination, fail to teach or suggest all limitations of the subject claims.

Claims 6 and 17 depend from independent claim 1. As discussed *supra* with respect to claim 1, neither Wolff nor Mansour *et al.* teach or suggest ***one or more surrogate providers comprising at least a first surrogate provider that selectively caches at least a subset of data from at least one online server and stores the subset of data at one or more client computers for offline use.*** Shaw *et al.* fails to make up for these shortcomings of the primary references. Shaw *et al.* relates to a system that accesses and acquires data from a content provider that relates to personal profile information of an end user (*e.g.* client computer). This data is stored at a cache located near the client computer. Shaw *et al.* is directed towards reducing latency in providing content to the user by allowing users to access their personalized data from the nearby cache instead of from the content provider. For example, this system allows the user of the client computer in an online gaming environment to access their user profile from the nearby cache instead of from the content provider itself, thus allowing online gaming content to be provided to the user in a rapid manner. However, no mention is made of a surrogate provider that stores this cached personalized data at the one or more client computers as in applicants' claimed invention. Moreover, the cited reference is not directed towards a system that allows for offline use of the cached personalized data at the client computers, let alone a system that facilitates seamless

operation of data retrieval across connectivity states for a user, as is recited in claim 1. Therefore, this rejection should be withdrawn.

CONCLUSION

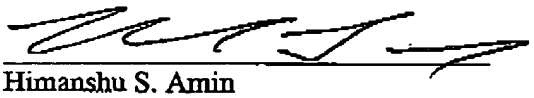
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP527US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



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